

ORIGINAL

PROOF OF SERVICE

Troy D. Holland, being first duly sworn on oath, deposes and says that on the 13 day of January, 2005, he caused to be served a true and correct copy of **APPEARANCE, ANSWERS TO FIRST SET OF INTERROGATORIES AND REQUEST TO PRODUCE** upon:

Mr. Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
The Burlington Northern
and Santa Fe Railway Co.
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661

Mr. Ray Schmitt
Mayor, City of Streator
204 S. Bloomington Street
Streator, Illinois 61364-2903

RECEIVED
JAN 21 2005
Illinois Commerce Commission
RAIL SAFETY SECTION

Ms. Pamela K. Leonard
Clerk, City of Streator
204 S. Bloomington Street
Streator, Illinois 61364-2903

Mr. Victor A. Modeer, Director of Highways
ATTN: Mr. Jeff Harpring
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 205
Springfield, Illinois 62764

Mr. Henry Humphries
Railroad Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

by depositing same in the U.S. Mail depository located in Etna Road, Ottawa, Illinois in an envelope(s) with first-class postage, prepaid.


Troy D. Holland

DOCKETED

JAN 21 2005

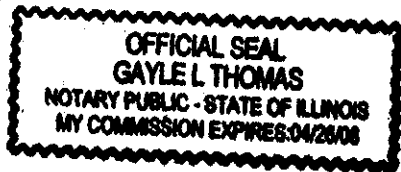
STATE OF ILLINOIS)
)
COUNTY OF LASALLE) SS.

Lawrence J. Kinzer, County Engineer, LaSalle County Engineer, being first duly sworn on oath, deposes and states on behalf of petitioner, County of LaSalle, that he has read the interrogatories and request to produce, and the answers attached hereto and herein are true, correct and complete to the best of his knowledge and belief.

Dated this 13th day of January, 2005.

Lawrence J. Kinzer
Lawrence J. Kinzer, County Engineer,
LaSalle County, Illinois

Subscribed and sworn to before me this 13th day of January, 2005.



Gayle L. Thomas
Notary Public

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED
JAN 21 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

COUNTY OF LA SALLE, ILLINOIS,)
DEPARTMENT OF HIGHWAYS AND)
CITY OF STREATOR, ILLINOIS,)
Petitioners,)

v.)

Case No. T04-0069

BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY,)
and STATE OF ILLINOIS DEPARTMENT)
OF TRANSPORTATION,)
Respondents)

APPEARANCE

The undersigned, hereby enters his appearance on behalf of County of LaSalle in the
above captioned cause.

Dated: January 13, 2005

LASALLE COUNTY STATE'S ATTORNEY'S OFFICE

BY:


TROY D. HOLLAND,
LaSalle County Assistant State's Attorney

Troy D. Holland
LaSalle County Assistant State's Attorney
Attorney for Petitioner, LaSalle County
707 Etna Road
Ottawa, IL 61350
(815) 434-8358

HH-DJ

RECEIVED
JAN 21 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**COUNTY OF LaSALLE, ILLINOIS, DEPARTMENT
OF HIGHWAYS and CITY OF STREATOR,
ILLINOIS,**

Petitioners,

v.

**BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY and STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION,**

Respondents.

No. T04-0069

**Petition for an order of the Illinois Commerce
Commission authorizing the replacement of the
structure where E. Broadway Street goes over
the tracks of the Burlington Northern Santa Fe
Railway Company and the SB Warehousing, Inc.
in Streator, LaSalle County, Illinois apportioning
costs thereof and directing an appropriate portion
thereof to be borne by the Grade Crossing
Protection Fund.**

LaSalle County Highway Dept.			
Distribution			
	ADMIN		
	HIGHWAY		
	BRIDGE		
	MAINTENANCE		
	PERMIT/SUBD.		
	ENG. SEC.		
	GEN. OFFICE		
	BOOKKEEPING		

**THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY'S FIRST SET OF INTERROGATORIES
DIRECTED TO PETITIONER ~~CITY OF STREATOR~~ ILLINOIS**

COUNTY OF LASALLE

Now comes respondent, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and pursuant to 83 Illinois Administrative Code §200.360(c) propounds the following interrogatories to be answered under oath by petitioner, City of Streator, Illinois within twenty-eight (28) days of service hereof:

1. State the full name, business address, title and/or position of the person or persons signing these answers to interrogatories and the name, business address, title or occupation of all persons who were consulted or who provided information in response to any of these said interrogatories.

ANSWER:

Mr. Troy Holland
Assistant State's Attorney
707 Etna Road
Ottawa, IL 61350

Mr. Lawrence J. Kinzer
County Engineer, LaSalle County
1400 N.27th Road, P.O. Box 128
Ottawa, IL 61350

Mr. Ray Schmitt
Mayor, City of Streator
204 S. Bloomington Street
Streator, IL 61364

Mr. Ralph Hermann
Public Works Director, City of Streator
204 S. Bloomington Street
Streator, IL 61364

2. State all sources of funding to be utilized by petitioners for all aspects of the removal of the existing East Broadway Street overpass structure and its replacement with another vehicular overpass structure as set forth in paragraph 2 of petitioner's petition, including but not limited to funding for demolition, preliminary and final engineering, land acquisition and construction.

ANSWER:

I.C.C. Grade Crossing Protection Fund
BNSF Railway Company
Major Bridge Fund
HBRRP
Local (City of Streator and LaSalle County)

3. Has petitioner, County of LaSalle, Illinois and/or petitioner, City of Streator applied for Federal-aid funding for any portion of the cost associated with removal of the existing East Broadway Street overpass structure and/or its replacement as referred to in paragraph 2 of the petition. If yes, please state:

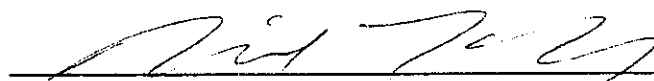
- a. When application for Federal-aid funding was made by petitioner, LaSalle County, Illinois and/or petitioner City of Streator;
- b. Whether any such Federal-aid funding application has been approved;
- c. If any such Federal-aid funding application has not been approved, please state the status of such Federal-aid funding application.

ANSWER:

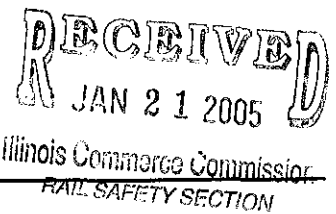
Yes

- a) Major Bridge Funding approved May 25, 2000
- b) BRRP Funding listed for FY 2007 Program

KENNETH J. WYSOGLAD & ASSOCIATES


Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COUNTY OF LaSALLE, ILLINOIS, DEPARTMENT
OF HIGHWAYS and CITY OF STREATOR,
ILLINOIS,

Petitioners,

v.

BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY and STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION,
Respondents.

No. T04-0069

Petition for an order of the Illinois Commerce
Commission authorizing the replacement of the
structure where E. Broadway Street goes over
the tracks of the Burlington Northern Santa Fe
Railway Company and the SB Warehousing, Inc.
in Streator, LaSalle County, Illinois apportioning
costs thereof and directing an appropriate portion
thereof to be borne by the Grade Crossing
Protection Fund.

LaSalle County Highway Dept. Distribution			
	ADMIN		
	HIGHWAY		
	BRIDGE		
	MAINTENANCE		
	PERMIT/SUBD.		
	ENG. SEC.		
	GEN. OFFICE		
	BOOKKEEPING		

**THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PETITIONER, LASALLE COUNTY, ILLINOIS**

Now comes respondent, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and pursuant to 83 Illinois Administrative Code §200.360(c) requests that petitioner, LaSalle County, Illinois produce within twenty-eight (28) days of service hereof the following documents to the offices of Kenneth J. Wysoglad & Associates, 118 S. Clinton Street, Suite 700, Chicago, Illinois 60661:

1. Copies of any and all applications for governmental funding of any type for funding, in whole or in part, of any aspect of the East Broadway Street overpass removal and/or overpass replacement as referred to in paragraph 2 of the petition.

ANSWER: See application prepared by McClure Engineering Associates, Inc. dated January 19, 2000.

2. Copies of any and all correspondence, internal communications, memorandum, and/or other documents relating to all such governmental funding applications produced in response to production request No. 1 above.

ANSWER: See letter dated May 25, 2000 from IDOT to Mayor Schmitt.

3. Copies of any and all correspondence, letters, written communications and/or email by or between petitioners or any petitioner and any respondent relating to or referring to all sources of funding available or to be utilized for any and all aspects of the removal of the existing East Broadway Street overpass and its replacement with a new overpass structure as referred to in paragraph 2 of the petition.


ANSWER: See letter dated January 29, 2004 from Lawrence Kinzer to IDOT and TIP sheet.

4. Copies of any and all documents reflecting Federal-aid funding participation for any aspect of the removal of the East Broadway Street overpass and/or any aspect of its replacement with a new overpass structure, including, but not limited to, any Federal-aid participation for demolition costs, preliminary

or final engineering costs for the proposed replacement grade separation structure, land acquisition costs or cost of construction of the new overpass structure.

ANSWER: See answer above and District 3 FY 2005-2007 Local Roads Multi - Year Program.

KENNETH J. WYSOGLAD & ASSOCIATES


Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

**McCLURE
ENGINEERING
ASSOCIATES, INC.**

COPY

January 19, 2000

RECEIVED
JAN 21 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Mr. James J. Jereb, District Engineer
Illinois Dept. of Transportation, Dist. 3
Attn: Mr. Craig Reed, Local Roads
700 East Norris Drive
Ottawa, IL 61350

RE: City of Streator - Structure #050-8016
Illinois Major Bridge Program
MEAI STR 06-30-00-04

DISTRIBUTION			
	ADMIN.		
	BRIDGE		
	DESIGN		
	CONST.		
	MAINT.		
	Engr. Sec.		
	Gen. Office		
	BOOKKEEPING		

Dear Craig:

Please accept this application for replacement of the Broadway Street Bridge over the Burlington Northern Railroad in Streator with Major Bridge Program Funds.

Structure #050-8016 is located in the City of Streator and carries Broadway Street over the Burlington Northern Railroad approximately .51 miles east of Illinois Route 23 at railroad mile post 89.41. The existing bridge consists of a 1078 foot multi-span steel bridge over two (2) main line tracks and seven (7) storage tracks. The existing bridge had an overall sufficiency rating of 15.7 in 1999 but has since been re-rated and posted with a four (4) ton limit. Extensive repairs will be required to keep the bridge open to traffic.

This project proposes to remove and replace the existing structure with a new bridge.

A preliminary estimate of cost is as follows:

<u>Item</u>	<u>Cost</u>	<u>Fund Source</u>
Remove existing structure	800,000	ICC & MBPF
Proposed bridge	4,200,000	ICC & MBPF
Approach pavement	230,000	MBPF
Restoration of surfaces	10,000	MBPF
Traffic control, mobilization, detour	150,000	MBPF
Flagman	80,000	Railroad
Legal	15,000	
Right-of-way acquisition/easements	20,000	ICC
Design engineering	430,000	ICC
Construction engineering	380,000	MBPF
Contingency	270,000	ICC & MBPF
Total Opinion of Probable Cost	\$6,575,000	

It is anticipated that the City will petition the ICC for funding to supplement the Major Bridge Program Funds. A proposed project schedule is as follows:

<u>TASK</u>	<u>COMPLETE BY</u>
Preliminary engineering	September 2000
Obtain right-of-way and easements	May 2001
Design engineering	December 2002
Demolition, abutments, piers and utility relocation	December 2006
Superstructure, approach pavements and restoration	December 2007

It is anticipated that ICC will fund 60% of project costs on bridge items between bridge touchdown points, as well as preliminary engineering costs. It is anticipated that Major Bridge Funds will fund remaining costs with the exception of utility relocation and flagging which would be paid for by the railroad.

The City has prepared preliminary cost estimates for bridge replacement. No design activity has as yet been started.

Should you have any questions in this regard, please do not hesitate to contact me.

Yours very truly,

McCLURE ENGINEERING ASSOC., INC.



John A. Kusek, P.E., P.L.S.
Project Manager

JAK/tmr

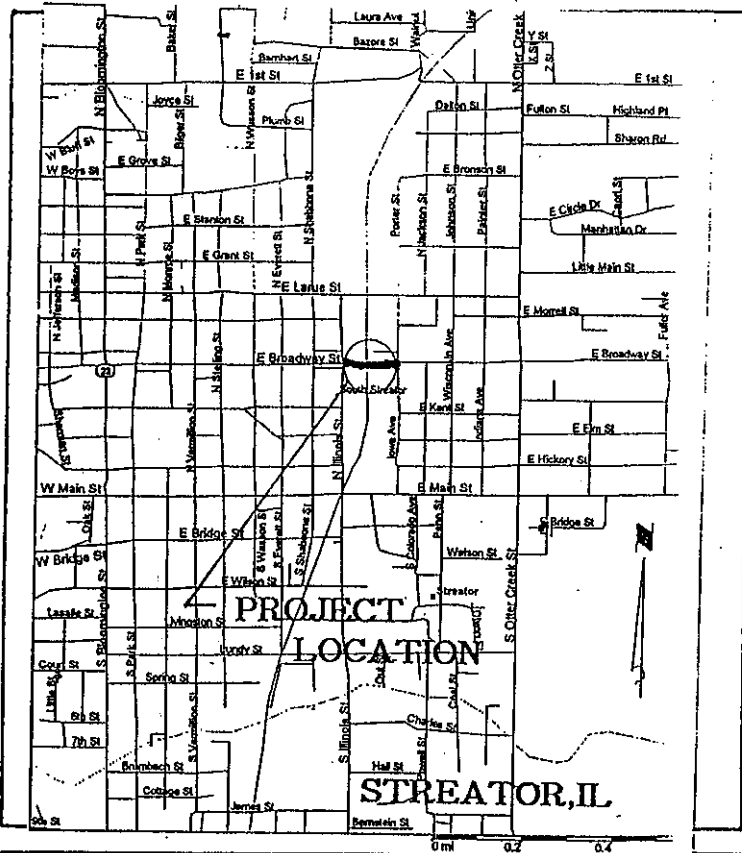
Enclosures: IDOT letter 1/03/2000
IDOT Fax and Bridge Rating Worksheet 1/18/00
Photos

CC: City of Streator
Al Poole, BNSF Railroad
Mike Stead, ICC

Transportation Improvement Proposal - Highways
Sheet of

Fiscal Year/s _____

Project Number _____



Major Bridge	
Program Category	Replacement
Marked Route/s	Broadway Street
Key Route/s	FAU 6145
Road/Street Name/s	Broadway Street
County/s	LaSalle
Location	Broadway St. 3 blocks east of
IL Rte. 23 over BNSF Railroad yard.	
Miles	0.21
Bridge Number/s	050-8016
Legislative District/s	76
Congressional District/s	44
Urban Area/s	Streator
City/s	Streator

Improvement: Replace multi-span steel bridge constructed in 1930 carrying Broadway St. over the BNSF mainline and railroad tracks. Project to include detour route, minor approach roadway improvements, right of way and demolition.

Office Code _____
Revision Date _____

Estimated Cost (\$000) - Base Year 2000 Dollars

Type of Work	Fiscal Year	Funding Source	Estimated Cost
Preliminary & Design Engineering	2001	ICC (60%)	3,592,000
Utility relocations, R.O.W., construction and construction engineering	2005	MBPF (up to 80%)	4,852,000
TOTAL			6,495,000

REQUEST FOR FY 2005 ILLINOIS MAJOR BRIDGE PROGRAM FUNDS

Bridge Name Broadway Street Bridge IDOT District 3 County LaSalle

Structure Number 050-8016 City Streator

Facility Carried Broadway Street Facility Intersected BNSF Railroad & Yard

Owner City of Streator Jurisdictional Agreement Required: Yes No X

Type of Work: Rehab Replace X Date of Last Inspection 7/24/99

Sufficiency Rating (SI&A Sheet) 15.7 Number of Lanes 2 Functional Class Collector (Urban

ADT (from SI&A Sheet) 4113 ADTT 4113 ADJ 4113 ADT Year 2000

FY 2005 Request (in dollars)	Entire Project (PE, CE, ROW, UTL, CON)	Major Bridge Total (CE, CON)	Major Bridge FY 2005 Request (CE, CON)
TPCE	<u>6,575,000</u>	<u>6,045,000</u>	<u>6,045,000</u>
Federal Share (80%)		<u>4,852,000</u>	<u>4,852,000</u>
Non-Fed. Matching (20%) (60%)		<u>3,592,000</u>	<u>3,592,000</u>

FY 2005 Major Bridge Request and Obligation Schedule (FY Quarter, Activity, Amount)

	CE, CON	CE, CON	CE, CON	CE, CON
1stQ	<u>1,206,000</u>	<u>1,206,000</u>	<u>1,206,000</u>	<u>1,206,000</u>
2ndQ				
3rdQ				
4thQ				

Describe construction activity planned for each quarter (CE, SUB, SUPER, MAIN SPAN, etc.):

1st Q: existing bridge demolition; 2nd Q: abutments and piers; 3rd Q: bridge beams and deck; 4th Q: approaches and restoration.

Future Anticipated Major Bridge Requests to complete the project (FY; Activity, Amount)

FY 2006 --- FY 2007 ---

Beyond FY 2007 ---

Special Consideration: Broadway St. is a major link through the City over the BNSF.

Structural deterioration threatened to close the bridge which now has a posted four (4)
Load Posted: Yes X No ; List the load posting (if yes) Four (4) ton ton limit.

Rating Factor (IDOT Use Only):

Notes: TPCE - Total Project Cost Estimate of bridge and bridge approach work.

- To be used in rating factor calculation.

• A current briefing is to be provided for each project.



Illinois Department of Transportation

Office of the Secretary
2300 South Dirksen Parkway / Springfield, Illinois / 62764
Telephone 217/782-5597

May 25, 2000

Honorable Raymond W. Schmitt
Mayor
204 South Bloomington Street
Streator, IL 61364

Illinois Commerce Commission
RAIL SAFETY SECTION

RECEIVED
JAN 21 2005

DISTRIBUTION		
LaSalle County Highway Dept		
ADMIN.		
BRIDGE		
DESIGN		
CONST.		
MAINT.		
Eng'r. Sec.		
Gen. Off.		

Dear Mayor Schmitt:

Thank you for your request for FY 2005 Major Bridge Program funding for replacement of the Broadway Street Bridge over the BNSF Railroad in Streator in LaSalle County.

We are pleased to inform you that \$1,626,000 (80 percent of the eligible costs for construction and construction engineering after anticipated Illinois Commerce Commission and railroad participation) of Major Bridge Program funds for replacement of the Broadway Street Bridge has been approved for funding during FY 2005.

The Illinois Major Bridge Program utilizes federal Bridge Replacement and Rehabilitation Program funds and will follow procedures required for that program. We are looking forward to providing financial assistance toward the eligible bridge construction and construction engineering costs for this project. Financial assistance from this program shall not exceed the amount shown and must be matched with 20 percent local funds.

Please contact Mr. Bruce Hucker in our District Three office at 700 E. Norris, Ottawa, Illinois 61350-0697 (217/434-8402) for assistance in preparing the joint agreement. In addition, please keep the district informed regarding the status of this project.

If we can be of assistance in implementing this project, please contact Mr. Darrell McMurray, Bureau Chief of Local Roads and Streets, at 2300 So. Dirksen Parkway, Springfield, Illinois 62764 (217/782-3805).

Sincerely,

Kirk Brown
Secretary

cc: John Kusek, McClure Engineering Associates, Inc.
Mike Stead, Illinois Commerce Commission



"PLEASE DRIVE SAFELY"

LASALLE COUNTY HIGHWAY DEPARTMENT

LAWRENCE J. KINZER, COUNTY ENGINEER

1400 N. 27TH ROAD - P.O. BOX 128 - OTTAWA, ILLINOIS 61350

PHONE (815) 434-0743 FAX (815) 434-0747

e-mail: highway@lasallecounty.org

RECEIVED
JAN 21 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

January 29, 2004

Ms. Diane O'Keefe

District Engineer

Illinois Department of Transportation

700 East Norris Drive

Ottawa, Illinois 61350

LaSalle County Highway Dept. Distribution		
<input checked="" type="checkbox"/>	ADMIN	<input checked="" type="checkbox"/>
<input type="checkbox"/>	HIGHWAY	<input type="checkbox"/>
<input type="checkbox"/>	BRIDGE	<input type="checkbox"/>
<input type="checkbox"/>	MAINTENANCE	<input type="checkbox"/>
<input type="checkbox"/>	PERMIT/SUBD.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	ENG. SEC.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	GEN. OFFICE	<input type="checkbox"/>
<input type="checkbox"/>	BOOKKEEPING	<input type="checkbox"/>

Attention: Mr. James Threadgill III, Local Roads Engineer

Dear Mr. Threadgill:

Enclosed are the revised TIP Sheets for our Multi-Year Program. We have programmed our projects through FY-2007.

The County Highway 51 project and County Highway 20 will be joint projects with the City of Ottawa. I believe the City will be using their FAU money, which will reduce the STR share shown on the TIP sheets.

If you have any questions, or need additional information, please feel free to contact us at your convenience.

Sincerely,

Lawrence J. Kinzer, P.E., P.L.S.
County Engineer

Enclosure

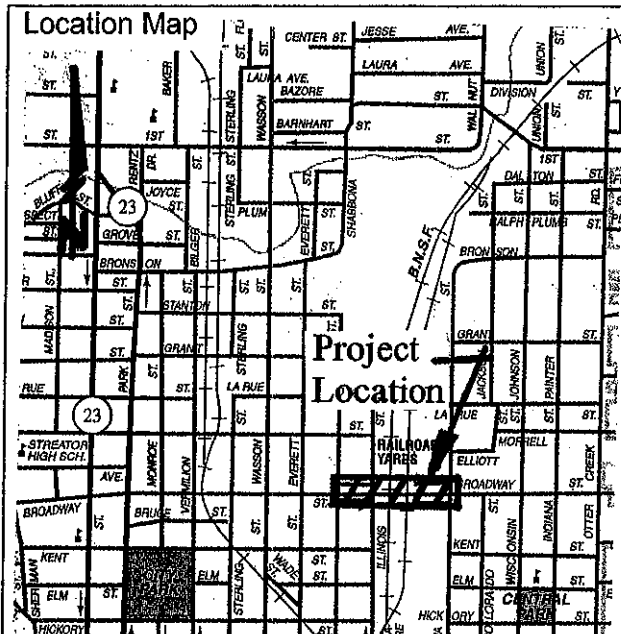
mmp



Printed on recycled stock with soy ink.

DISTRICT THREE

Transportation Improvement Proposal – Highways

Fiscal Year 2006Section Number 01-00590-00-BR(County)
00-00076-00-BR (City)

Program Category	Major Bridge / ICC / HBRRP
Marked Route/s	None
Key Route/s	FAU 6145
Road/Street Name/s	E. Broadway Street
County/s	LaSalle
Location	From approx. 0.4 mi. East of IL 23 NB to approx. 0.8 mi. East of IL 23 NB
Miles	0.4
Bridge Number/s	050-8016
Legislative District/s	38 th & 76 th
Congressional District/s	11 th
Urban Area/s	Streator Urban Area
City/s	Streator

Improvement Description:

Removal and replacement of existing structure carrying E. Broadway Street over Burlington Northern & Santa Fe Railroad tracks and switching yard. Includes intersection improvements at intersection of E. Broadway Street with Shabbona Street, Illinois Street and Iowa Avenue.

Estimated Cost (\$000)

Type of Work	Fiscal Year	Funding	Cost
P.E. & Land Acquisition	2005	ICC	\$738,000.00
Construction & C.E.	2006 & 2007	ICC	\$3,744,000.00
Construction	2006*	Major Bridge	\$1,626,000.00
Construction	2006	HBRRP	\$988,500.00
RR Participation	2006	Private	\$373,500.00

Total	\$7,470,000.00
--------------	-----------------------

*Major Bridge Funds granted for FY 2005. Project schedule anticipates letting in mid-year 2006.

Roadway	Existing	Proposed
Functional Class	Urban Collector	Urban Collector
CRS/Year/Road Ride	N/A	N/A
Surface Type	Bituminous	PC Concrete
ADT/Year/% Trucks	4100 / 2001 / 5%	5725 / 2026 / 5%
Pavement Width	30'	30'
Shoulder Width/Type	N/A (Curb & Gutter)	N/A (Curb & Gutter)
ROW/Roadway Width	70' – 80' / 30'	70' – 80' / 30'
Number of Lanes	2	2
No. of Intersection Imp.	3	3

Structure			
Bridge Number	050-8016	Overall Str. Condition	*
Bridge Name	Broadway Viaduct	Posted Load Limit	15 Ton
Suff. Rating/Month/Year	14 / 06 / 03	Width/Length (Existing)	24' / 843'
Oper./Inv. Ratings	22.4 / 21.7 Tons	Width/Length (Proposed)	30' / 386'***
Deck/Super./Sub. Rating	7 / 2 / 4		

Structure			
Bridge Number		Overall Str. Condition	
Bridge Name		Posted Load Limit	
Suff. Rating/Month/Year		Width/Length (Existing)	
Oper./Inv. Ratings		Width/Length (Proposed)	
Deck/Super./Sub. Rating			

Statement/Other Information:

*Intolerable – High priority for replacement

**Mechanically Stabilized Earth (MSE) walls are proposed for west and east approaches to reduce structure length from 843' to 386' (±).